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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Simon G. Thompson

36-1806

1962

23117 7590 03/21/2007

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,919	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> Wilson Lee	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Claim Rejections – 35 U.S.C. 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-18 are rejected under 35 U.S.C. 101 because it lacks tangible and useful results because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification.

Regarding Claim 9, as shown by applicant, “generating and maintaining a data resource” does not specify any usefulness. Further, it does not conclude the other disclosed steps to output a tangible and useful result.

Claims 18, 19, they are inoperative because they lack executable step by a processor. “being executable by a processor” should be inserted.

### **Claim Rejections – 35 U.S.C. 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Claim 9 does not comprise any step to enable the method. It simply states that the method can generate, maintaining data resource, receiving moderation inputs and generating a moderation value. The terms "comprises" or "comprising" should be used.

In Claim 12, "user-specific moderation value" is not taught in the specification to enable one skilled in the art to make or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 5-6, "rating means for generating and storing a moderation value" because it is not clear whether it generates moderation value (which is determined by moderation inputs implicitly) as being a generator, or stores the moderation value as being a data storage means. Further, applicant is suggested to provide connection between the rating means and the moderation inputs in Claim 1 in order to clarify the invention.

In Claims 18, 19, line 1, "product or suite of such products" is vague whether it is a product or suite of such products.

#### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19, in the best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Cho et al. (6,741,986).

Regarding Claim 1, Cho discloses an apparatus (See Figure 1) for generating and maintaining a data resource, comprising a repository (13) for the data resource, access means (30) (See Figure 2) for allowing a plurality of users to make amendments to the data resource, moderation means (34) for recording amendments and for recording moderation inputs made by the users relating to such amendments, and rating means (40) for generating and storing a moderation value (error count) for each amendment, the moderation value being determined by such moderation inputs (inaccuracies in the extracted information input) received from the moderation. (See Cols. 17, 18).

Regarding Claim 2, Cho discloses a means (20) for input of user-generated data, the data relating to the users' assessments of the quality of the amendments made by other users.

Regarding Claim 3, Cho discloses an amendment moderation value generation means (See Figure 2), comprising means (24) for determining the validity and consistency of amendments and means for generating a moderation input from the results of such determination.

Regarding Claim 4, Cho discloses a means (quality control) for generating a user moderation value (reviewer's rating) for each user of the system in respect of inputs made by that user (reviewer), a user moderation value store (information store) arranged to store the user moderation value, and means (28) (See Figure 2) for retrieval of user moderation values from the user moderation value store (information store),

Regarding Claim 5, Cho discloses a means (15) for storing a quality rating for each resource, and the rating means retrieves quality rating for a modified resource and generates moderation values in accordance with the retrieved quality rating.

Regarding Claim 6, Cho discloses an analysis means (12) for identifying reference links between resources, and means (18) for generating for each resource, the quality rating (quality control) in accordance with the number of the links referring to the resource (Further, see step 56 in Figure 3).

Regarding Claim 7, Cho discloses an amendment storage means (information store) for storing amendment proposals prior to implementation, means (quality control) for receiving quality values relating to the amendment proposals, and means (reassigned to the information extractor) for amending the data resource in accordance with the amendment proposals when the quality values (error count) pass a predetermined upper threshold (See Col. 2, lines 59-67).

Regarding Claim 8, Cho discloses a means (12) for deleting amendment proposals for which the quality values (error count) pass below a lower threshold or which have failed to pass the upper threshold within a predetermined period (See Col. 17, line 63 to Col. 18, line 7).

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Regarding Claim 9, Cho discloses a method of generating and maintaining a data resource, by recording amendments made to the resource (a database for storing information) (See Col. 2, lines 28-67) by a user and for retrieval by users (See Figure 1); receiving moderation inputs generated by one or more users (reviewer), generating moderation inputs relating to such amendment, and generating a moderation value (error count) for each amendment, the moderation value being determined by the moderation inputs (inaccuracies in the extracted information input) (See Cols. 17, 18).

Regarding Claim 10, Cho discloses that the user-generated data is recorded (through means 20), assessing qualities of amendments made by other users.

Regarding Claim 11, Cho discloses that the validity and consistency (e.g. quality) of amendments are determined, and a moderation value is generated from the results of such determination (See Figure 2).

Regarding Claim 12, Cho discloses that a user-specific moderation value (reviewer's rating) is generated in respect of each user and applied to input made by that user, and the user moderation value is stored for subsequent retrieval.

Regarding Claim 13, Cho discloses that a quality rating is stored for each resource (through means 15), and moderation values are generated in accordance with the quality rating.

Regarding Claim 14, Cho discloses that the reference links between resources are identified, and the quality rating (quality control) for each resource is generated in accordance with the number of such links referring to the resource (Further see step 56 in Figure 3).

Regarding Claim 15, Cho discloses that a quality value is generated relating to an amendment proposal, and the data resource is amended in accordance with the amendment proposal when the quality value (error count) passes a predetermined upper threshold (See Col. 2, lines 59-67).

Regarding Claim 16, Cho discloses that the predetermined threshold (threshold) is set at different values for additions to the deletions from, the data resource (See Col. 2, lines 59-67, Col. 17, line 63 to Col. 18, line 7).

Regarding Claim 17, Cho discloses that the amendment proposals for which the quality values (error count) pass below a lower threshold or which have failed to pass the upper threshold within a predetermined period (See Col. 17, line 63 to Col. 18, line 7).

Regarding Claim 18, Cho discloses a computer program product for carrying out the method (See Col. 6, line 65 to Col. 7, line 36).

Regarding Claim 19, Cho discloses a computer program product for use with the apparatus. (See Col. 6, line 65 to Col. 7, line 36).

### **Response to Arguments**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., feedback of either the original contributor's or the reviewer's performance to provide a weighting for the reliability of future contributions, the value of a moderation being measured and fed back into the future significance of the activities of the users) are not recited in the rejected claim(s). Although the claims are interpreted in light of



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the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

3/19/07